UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,245	01/26/2004	Feng Cao	062891.1187	4163

5073   7590   09/16/2009

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER
ZENATI, AMAL S

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
09/16/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptomail1@bakerbotts.com
glenda.orrantia@bakerbotts.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2009*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for

establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

> 1.   Determining the scope and contents of the prior art.
> 2.   Ascertaining the differences between the prior art and the claims at issue.
> 3.   Resolving the level of ordinary skill in the pertinent art.
> 4.   Considering objective evidence present in the application indicating obviousness or
>   nonobviousness.

2.   Consider **Claims 1, 6, 9, 14, 17, 22, 23, 26, and 27** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Ong (US 6922786 B1)** in view of **Koskelainen (Patent No.: US 6,885,861 B1;**

hereinafter Philonenko)

        Consider **claims 1, 9, 17, and 27, Ong** clearly shows and discloses a method, an apparatus, and a

system for tracking telecommunication services comprising: a network interface operable to receive a

call, wherein the call includes a call identifier (col. 5, lines 10-14); a memory operable to store a filter

list, wherein the filter list identifies filter statuses (filter characteristics/information) associated with one

or more call identifiers (col. 1, lines 51-55; and col. 4, lines 10-15); a processor operable to determine a

filter status of the call based on at least the filter list (col. 2, lines 45-53; col. 3, lines 55-66); a filter node

operable to: receive a call, wherein the call includes a call identifier (col. 5, lines 10-14); determine a

filter status of the call (col. 5, lines 14-17; and col. 6 ,lines 20-23); and transmitting the filter statuses of

the call (filtering characteristics /information) to a remote node by using a control protocol (*control*

protocol such as Media Gateway Control protocol MEGACO which is the standard protocol for

interfacing between hosts and call agents called Medial Gateway Controllers and Media Gateways e.g.

an IP telephone and the PSTN) conforms to a protocol that primarily communicates tracking information

(col. 4, lines 49-53; and col. 5, lines 14-18); and a plurality of network nodes, each network node operable

to receive the call and to take a filter action based on the filter status of the call (col. 4, lines 1-15);

However, **Ong** does not specifically discloses transmitting the filter statuses of the call to a remote node

by using a notification message wherein the notification message identifies the call identifier.

In the same field of endeavor, **Koskelainen** clearly specifically discloses transmitting a

notification message wherein the notification message identifies the call identifier and wherein the

notification message conforms to a protocol that primarily communicates tracking information (col. 8,

lines 35-47)

Koskelainen discloses the above for the purpose of using a notification message that identifies

the call identifier for notifying about the change in the status of user terminal (col. 7, lines 50-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the

invention was made to transmit a notification message wherein the notification message identifies the call

identifier as taught by Koskelainen in Ong, in order to use a notification message that identifies the call

identifier for notifying about the change in the status of user terminal and to differentiate between

multiple sessions between two end points.

Consider **claim 6, 14, and 22, Ong** and **Koskelainen** show the method, the apparatus, and the

system, wherein determining a filter status of the call comprises determining a filter status of the call

based on at least one of a calling number associated with the call, a called number associated with the

call, a network address associated with the call, and a carrier associated with the call (Ong: col. 6, claim 9).

Consider **claim 23, Ong** and **Koskelainen** show the system, wherein the filter node comprises one of a plurality of filter nodes (Ong: col. 3, lines 50-55).

3.   Consider **Claims 2 - 5, 10 - 13, and 18 - 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Ong (US 6922786 B1)** in view of **Koskelainen (Patent No.: US 6,885,861 B1; hereinafter Philonenko)** and further in view of **Rosenberg (Telephony Routing Over IP TRIP, November, 2000)**

Consider **claim 2, 10, and 18, Ong and Koskelainen** discloses the claimed invention above but lack teaching the method and the apparatus, further comprise: receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node (col. 4, lines 49-63)

In the same field of endeavor, **Rosenberg** clearly specifically discloses the method and the apparatus, further comprise: receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node (Telephony Routing Over IP TRIP: section 4.2)

Rosenberg discloses the above for the purpose of confirming the identification of a node that should receive messages (Telephony Routing Over IP (TRIP): section 4.2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to receive an open message, wherein the open message identifies a node operable to

receive notification messages, and wherein transmitting the notification message comprises transmitting

the notification message to the identified node as taught by Rosenberg in Koskelainen and Ong, in order

to confirm the identification of a node that should receive messages.

Consider **claims 3, 11, and 19, Ong, Koskelainen, and Rosenberg** show the method, the

apparatus, and the system wherein the open message identifies a hold time for which the open message is

valid (Telephony Routing Over IP (TRIP): section 4.2).

Consider **claim 4, 12, and 20 Ong, Koskelainen, and Rosenberg** show the method, the apparatus,

and the system further comprising receiving keepalive messages from the identified node, wherein the

keepalive messages indicate that the identified node is still operable to receive notification messages, and

wherein transmitting the notification message comprises transmitting the notification message to the

identified node based on whether a keepalive message has been received within a predetermined time

period (Telephony Routing Over IP (TRIP): section 4.4 and page 56).

Consider **claim 5, 13, and 21, Ong, Koskelainen, and Rosenberg** show the method, the apparatus,

and the system, wherein each keepalive messages identifies a hold time for which the keepalive message

is valid (Telephony Routing Over IP (TRIP): section 4.4 and page 56).

4.   Consider **Claims 7, 8, 15, 16, 24, 25, 26, and 28** are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Ong (US 6922786 B1)** in view of **Hsu et al (Patent No.: US 6,674,734 B1;**

hereinafter Hsu)

Consider **claim 7, 15, 24, and 28, Ong** shows the method, the apparatus, and the system for

tracking telecommunication services comprising: receiving a request message from a remote node,

wherein the request message includes a call identifier; determining an acknowledgement message

(decision message) to the remote node, wherein the acknowledgement message identifies the filter status and wherein the acknowledgment message conforms to a protocol that primarily communicates tracking information (col. 4, lines 56-63); However, **Ong** does not specifically discloses wherein the request message includes a call identifier.

In the same field of endeavor, **Hsu** specifically discloses wherein the request message includes a call identifier (col. 7, lines 21-41; col. 9, lines 55-67; and col. 10, lines 1-3)

Hsu discloses the above for the purpose of sending, in response to the request message that includes a call identifier, the relay setup message including the relay TCP port number, user plane information, and relay gatekeeper IP address and that according to the H.323 standard protocol. (col. 7, lines 21-41; col. 9, lines 55-67; and col. 10, lines 1-3).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the request message that includes a call identifier as taught by Hsu in Ong, in order to send, in response to the request message that includes a call identifier, the relay setup message including the relay TCP port number, user plane information, and relay gatekeeper IP address and that according to the H.323 standard protocol.

Consider **claims 8, 16 and 25, Ong and Hsu** show the method, the apparatus, and the system, wherein determining a filter status associated with the call identifier comprises determining a filter status of the call based on at least one of a calling number associated with the call, a called number associated with the call, and a carrier associated with the call (Ong: col. 6, claim 9).

Consider **claim 26, Ong** shows the system, wherein the filter node comprises one of a plurality of filter nodes (Ong col. 3, lines 50-55).

8.   Applicants argue regarding the claims 7, 15, 24, and 28 on pages 13-14 of the Applicants'

Response that Ong fails to indicate that the REQ message disclosed by Ong includes "a call identifier."

Additionally, Ong does not indicate that the DEC message disclosed by Ong "identifies the filter status

associated with the call identifier.

        The Examiner respectfully disagrees with Applicants' arguments, the cited reference states "The

COPS message sequence typically consists of a request (REQ) message and a decision (DEC) message.

The REQ message is sent from the real-time fire wall 150 to the call server 130/190 to request filtering

information. The DEC message is sent from the call server 130/190 to the real-time firewall 150 to

contain-filtering information including the filtering characteristic 215" Org clearly shows that a request

(REQ) message is sent to request filtering information. The (REQ) message cannot request filtering

information that associated with the call without providing the call identifier; therefore, it is inherent that

the (REQ) message includes the call identifier in order to request filtering status associated with the call.

Regarding the DEC message, Org clearly shows in the cited reference that DEC message containes

filtering information including filtering characteristic.

                                Response to Arguments

9.   Applicants' arguments, with regards to Examiner's rejection under 35 U.S.C 103 (a), filed 19

June 2009 has been fully considered but they are not persuasive. Claims 1 - 28 are now pending in the

present application.

10.   Applicants argue regarding the claims 1, 9, 17, and 27 on pages 12-13 of the Applicant's

Response that Ong fails to disclose "receiving a call, wherein the call includes a call identifier;

determining a filter status of the call; and transmitting a notification message to a remote node, wherein

the notification message identifies the call identifier and the filter status of the call."

The Examiner respectfully disagrees with Applicant's arguments, claim 1 recites "receiving **a**

call, wherein **the call includes a call identifier;** <u>**determining a filter status of the call**</u>," [emphasis

added]. Moreover, claim 9 recites "**a network interface operable to receive a call, wherein the call**

includes a call identifier" [emphasis added]. Ong clearly teaches *the network 110 transmit or <u>receive a</u>*

<u>call</u> to or from the network 170 (**see col. 3, lines 35-40**). Moreover, Ong teaches the packet in a call is

filtered **based on the filtering characteristic (call identifier)** [emphasis added] (see abstract; and col. 1,

lines 42-45); **Ong** <u>**defines filtering characteristic**</u> as any one of "a port identifier, any combination of

source and destination addresses, port numbers…" (col. 4, lines 11-15); in fact, *source and destination*

addresses are call identifier. **As a result, since Ong teaches the packet in a call is filtered based on the**

filtering characteristic (call identifier), then the packet call should have a call identifier in order to

be filtered. In other words, <u>Ong uses filtering characteristic such as source and destination addresses</u>

<u>(call identifier) to determine the filter status of the call, the filter status of the call is either reject or accept</u>

<u>the packet call (see fig. 3, labels: 335, 340, 345, 350, 355, and 360); therefore, the call should includes the</u>

<u>call identifier in order to be filtered</u>. As a result, **the above shows clearly that Ong teaches** *"receiving a*

call, wherein the call includes a call identifier; determining a filter status of the call." Moreover, *Ong*

teaches the call server transmit a filtering information/filter status including a filter characteristic/call

identifier to the real time fire wall (remote node) <u>by using a protocol</u> (see col. 5, lines 14-17). However,

Ong does not specifically disclose that the transmitting the filtering information/filter status and the filter

characteristic/call identifier <u>by using a notification message.</u> In the same field of endeavor, **Koskelainen**

clearly specifically discloses using a notification message to transmit information between two nodes

wherein the notification message identifies the call identifier (col. 8, lines 35-47). Therefore, it would

have been obvious to a person of ordinary skill in the art at the time the invention was made **to use a**

notification message to transmit information between two nodes as taught by Koskelainen in Ong, in

order to use a notification message to transmit information such as notify about the change in the status of

user terminal (col. 7, lines 50-56). The above clarify that the **Ong-Koskelainen** combination is proper. **As**

a result, both Ong and Koskelainen teaches *"transmitting a notification message to a remote node,*

wherein the notification message identifies the call identifier and the filter status of the call."

11.   Applicants argue regarding the claims 7, 15, 24, and 28 on pages 13-14 of the Applicants'

Response that Ong fails to indicate that the request REQ message disclosed by Ong includes "a call

identifier." Additionally, Ong does not indicate that the decision DEC message disclosed by Ong

"identifies the filter status associated with the call identifier.

           The Examiner respectfully disagrees with Applicants' arguments, the cited reference states

"The COPS message sequence typically consists of a request (REQ) message and a decision (DEC)

message. The REQ message is sent from the real-time fire wall 150 (remote node) to the call server

130/190 to request filtering information/filter status. The DEC message is sent from the call server

130/190 to the real-time firewall 150 (remote node) to *contain-filtering information/filter status including*

the filtering characteristic/call identifier" Org clearly shows that a request (REQ) message is sent to

request filtering information/filter status. Ong teaches the packet in a call is filtered **based on the**

filtering characteristic (call identifier). As a result, the REQ message should includes filtering

characteristic/call identifier in order to request the filtering information/filter status that associate with the

filtering characteristic/ call identifier from the call server 130/190. However, for more clarification,

Examiner uses Hsu since Ong does not specifically disclose wherein the request message includes a call

identifier. In the same field of endeavor, **Hsu** specifically discloses wherein the request message includes

a call identifier (col. 7, lines 21-41; col. 9, lines 55-67; and col. 10, lines 1-3). **Hsu** discloses the above for

the purpose of sending, in response to the request message that includes a call identifier, the **relay setup**

message including the relay TCP port number, user plane information, and relay gatekeeper IP address and that according to the H.323 standard protocol. (col. 7, lines 21-41; col. 9, lines 55-67; and col. 10, lines 1-3). As a result, both Ong and Hsu teach claims 7, 15, 24, and 28.

12.   Applicants argue regarding the dependent claims 2, 8, and 10 the Applicants' Response that **Rosenberg** fail to teach receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node.

The Examiner respectfully disagrees with Applicants' arguments, **Rosenberg** clearly specifically discloses receiving an open message, wherein the open message identifies a node operable to receive notification messages, and wherein transmitting the notification message comprises transmitting the notification message to the identified node (Telephony Routing Over IP TRIP: section 4.2)

Therefore, in view of the above reasons, Examiner maintains rejections.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amal Zenati whose telephone number is 571- 270- 1947. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571- 272- 7499. The fax phone number for the organization where this application or proceeding is assigned is 571- 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/CURTIS KUNTZ/   /Amal Zenati/
Supervisory Patent Examiner, Art Unit 2614   Patent Examiner, Art Unit 2614

September 10, 2009